

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Rodney Fussell, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Case No. 1:03-CV-704
	)	
v.	)	
	)	
Reginald Wilkinson, <i>et al.</i> ,	)	
	)	
Defendants.	)	

O r d e r

This matter is before the Court upon the motion of Scott G. Mattimore, *pro se*, to intervene in this matter (Doc. 63). Mr. Mattimore seeks leave to intervene for the purpose of asserting a claim or claims for money damages.

The claims for damages that Mr. Mattimore seeks to assert as an intervenor are not susceptible to impairment or impediment resulting from this action for equitable relief. Accordingly, he is not an intervenor as of right in this action. See Fed. R. Civ. P. 24(a). Mr. Mattimore has not sought leave to intervene pursuant to Rule 24(b). The Court declines to permit Mr. Mattimore to intervene pursuant to Rule 24(b), in any event, because it is persuaded that the claims and request for damages he seeks to insert in this action would have the effect of unduly delaying the resolution of the claims of the plaintiff class. See Fed. R. Civ. P. 24(b). Mr. Mattimore's motion to intervene (Doc. 63) is, therefore, **DENIED**. He is, of course, entitled to

initiate an action in which he asserts claims, including claims for damages, against the Defendants herein.

**IT IS SO ORDERED.**

/s/  
Sandra S. Beckwith, Chief Judge  
United States District Court